IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

Civil Writ Petition No.12606 of 1990

Date of Decision: October 9, 2007

Ravinder Paul .....Petitioner

Versus

The Punjab State Electricity Board & others .....Respondents

CORAM:- HON'BLE MR.JUSTICE S. D. ANAND

Present: Mr.JS Maanipur, Advocate for the petitioner.

Mr.Amit Mehta, Advocate for the respondents.

S. D. ANAND, J.

1. This order will dispose of two Civil Writ Petition Nos.12606 and 13327 of 1990 as the common question of law and facts is involved therein.

2. The conceded position is that while promoting the petitioners to the post of Line Superintendent, the pay scale of the promoted post was denied to them and they were directed to enjoy the promotion in their own pay scale.

3. The respondents defend the position aforementioned by raising a plea that additional pay of Rs.20/- was being paid to the petitioners and further that they had consented to have the promotion in their own pay scale.

4. The approach of the respondents is plainly indefensible. When

an employee is promoted to higher post, he must compulsively be allowed the benefit of the pay scale attached to the promoted post. His consent to continue to be his own pay scale though while holding a higher post, would appear to be under duress and unsustainable on the face of it. The line of contest offered by defendant-respondents is foreign to the service jurisprudence.

5. The writ petitions shall stand allowed. The petitioners shall be entitled to the pay scale attached to the post of Line Superintendent/Junior Engineer-II. However, as the petitioners filed the writ petitions after an inordinate delay, they shall be entitled to the arrears only for the period of three years and two months relatable to the date of filing of the petitions.

(S. D. ANAND)
JUDGE

October 9, 2007
SRM

Note: Whether referred to reporter ? Yes/No